

Procedures for Securing a Secretary of Agriculture's Disaster Designation

What events qualify? The criteria and regulations governing the designation of an area for a Presidential or Secretarial disaster designation is contained in 7 D.F.R. Part 1945, sub-part 1945-A.

In general, disaster designations may be obtained for weather related incidents, either one-occasion events (such as a hail storm) or on-going weather conditions (such as drought) that cause severe property or production losses for farmers. The “weather related” is broadly construed to include those which result “in the spreading and flourishing of insects or pests, or in plant or animal diseases spreading into epidemic proportions, or prevents the control of fire. . .” Such conditions are evaluated on a county by county basis.

As a result of a Secretarial Disaster Designation, farmers, who are not otherwise able to obtain commercial loans, are eligible for federal low-interest loans. The United States Small Business Administration will also declare an associated economic injury disaster and provide low interest loans to other businesses affected by the crop losses in the affected county, as well as in the contiguous counties.

For more details criteria, see Attachment 1, “Criteria for Disaster Declaration”

The Steps for a Disaster Designation:

1) The initial information for a disaster declaration usually comes from the county level of FSA. When the County Executive Director (CED) of an FSA office becomes aware of a weather related incident that may affect the quality or quantity of crops and/or forage (including range or pasture lands) produced in the county, the CED submits a FLASH report by FAX to the State FSA Office, Emergency Preparedness Branch (Melissa Cummins).

FLASH reports cannot be disclosed directly. Melissa provides a brief summary of the information to the Washington State Department of Agriculture, Deputy Director's (Bill Brookreson). At this point, the information is preliminary. WSDA creates a “pending file” for information on the event. **The state must have substantial information to pursue a disaster declaration.**

2) If the extent of the damage is not known at the time the FLASH report is submitted or the condition is ongoing (drought, etc), the CED submits additional information to the state office by memo as soon as it is available. Supplemental information is conveyed to WSDA as received.

Prompt collection and timely submittal of information is critical. **In the case of a one-time incident (i.e. hail storm, etc), the Governor's request for a disaster designation must be made within 90 days of the incident.**

3) When an incident occurs, defining the geographic extent and severity is very important. After an incident, the CED confers with the county committee and advises commodity groups to provide information on crop losses or severely impacted producers to the county FSA office to assist the CED in evaluating the extent of damage and determine if additional information needs to be submitted to the state office.

WSDA should also seek any additional information available through staff and other sources. Copies of that information is sent to Melissa by Email.

4) When the State FSA Office feels that they have adequate information that a significant weather event has occurred or is on-going, the information is conveyed to WSDA. Although the state may originate a request for a disaster declaration independent of FSA, normally we rely heavily on the information from FSA as to whether a designation should be pursued.

FSA, even though they collect the information, does not have the authority to ask for a designation. (There is one exception – in the event of physical losses only, a request may be submitted by the Agency to the FSA Administrator for a designation for physical loss loans only. An example may be a wildfire that destroyed perennial crops and buildings). With that one minor exception, **only the Governor's office may request a disaster designation from USDA.**

Assign the Report a number designated by year and order received (i. e. 2003-01).
Update the Agricultural Disaster Declarations Status Report on the ZDrive.

Give a “heads up” Email to Ken Brett and Keith Phillips of Governor's policy staff.

5) WSDA Deputy Director's Office receives the incident information from the FSA state office (Melissa Cummins) and prepares the request for Disaster Designation for the Governor's Office and the Governor's signature. The following documents need to be prepared (Templates are on the Zdrive):

- a) A cover memo addressed to the Chief of Staff to accompany the draft letter for the Governor's signature (See Attachment 2 for an example). This must include:
 - The county(ies) impacted
 - The reason(s) for the declaration and date(s) of the event(s)
 - The timeframes required for submission (i.e. 90 day limit)
 - Other needed background information

- b) A draft letter to Secretary of Agriculture (Mike Johanns) for the Governor's signature requesting the Secretarial Disaster Declaration (See Attachment 3 for an example). That letter will include:
 - The request for the declaration
 - The county(ies) impacted
 - The reason(s) for the request and date(s) of the event(s)
 - Who to contact for additional information (Bill Brookreson)
 - An enclosure with the county specific information
- c) Prepare a draft press release for use by the Governor's office (Attachment 4 as an example)

Note: On rare occasions, a request may originate from information provided by persons other than FSA. In those instances, keep FSA informed about the information and the request.

6) Immediately prior to submission, review the draft with FSA (Melissa Cummins) to ensure that there have been no last minute changes in situation. Make corrections as needed.

7) Submit the cover memo and draft letter to Secretary Johanns to Governor's Correspondence Office (Ken Brett) in both hard copy and electronically. Always call to confirm receipt. Electronic cc's to Keith Phillips. Update the Agricultural Disaster Declarations Status Report on the Zdrive.

8) When the request letter is signed, OFM will contact WSDA (Bill Brookreson) to pick up and mail the letter. WSDA (Bill Brookreson) will notify FSA (Melissa Cummins) by Email that the letter has been signed and submitted.

9) When the Governor requests a designation from the Secretary of Agriculture, the Secretary then asks FSA to contact the State Office and request a Disaster Assessment Report (DAR). (Note: A DAR is not submitted until requested by the Secretary)

10) FSA relies heavily on the County Executive Directors to evaluate their counties individually for impacts. If warranted, primary county designation should always be pursued. Although being a contiguous county does provide some access to funds, the primary county designation has been important in qualifying counties for other disaster relief that is later appropriated by Congress. FLASH reports are also used to qualify counties for other programs such as the Non-Insured Crop Disaster Assistance Program (NAP) and Emergency Conservation Program (ECP).

11) Once the request for the DAR is received, the Washington Food and Agriculture Committee (WAFAC), made up of the federal agencies –Farm Services Agency, Rural Development Agency, Risk Management, and National Resource Conservation Service, reviews the data and makes a recommendation as to whether a 30% county wide loss for at least one major crop resulted from the weather incident. If a 30% loss is not

documented, the survey on the DAR must be completed to determine whether credit assistance may be needed by individual farmers contacted by FSA.

12) After the WAFAC makes their recommendation, the DAR is forwarded to the FSA National Office and the FSA recommendation is forwarded to the Secretary of Agriculture. The Secretary determines whether or not to grant the request for the Disaster Designation and notifies the Governor as to whether the request has been granted.

13) The Governor's office notifies WSDA. Update the Agricultural Disaster Declarations Status Report on the ZDrive.

14) Once the Governor is notified, the FSA State Office is notified, and can take action to offer the Emergency Loan program and any other subsequent programs which may be tied to that designation.

Communication is key to the process working smoothly.

- **Always be certain that the primary contact has received the needed information. If not, go immediately to the backup. See Who to Contact.**
- **Keep status reports updated.**
- **Ask if you have questions.**

Who to contact:

FSA

Primary Contact:

Melissa J. Cummins
Farm Loan Specialist
USDA Farm Service Agency
316 W. Boone Avenue, Suite 568
Spokane, WA 99201
(509) 323-3021
Fax (509) 323-3074
Email: melissa.cummins@wa.usda.gov

Backup:

Genie Caudill
Farm Loan Specialist
USDA Farm Service Agency
316 W. Boone Avenue, Suite 568
Spokane, WA 99201
(509) 323-3017
Fax (509) 325-3074
genie.caudill@wa.usda.gov

WSDA

Primary Contact:

William E. Brookreson
Deputy Director
WA State Dept. of Agriculture
P.O. Box 42560
Olympia, WA 98504-2560

Backup:

Mary M. Toohey
Assistant Director, Plant Services
WA State Dept. of Agriculture
P.O. Box 42560
Olympia, WA 98504-2560

(360) 902-1810
Fax (360) 902-1810
Email: bbrookreson@agr.wa.gov

(360) 902-1810
Fax (360) 902-1907
Email: mtoohey@agr.wa.gov

Governors Office:

Primary Contact:

Ken Brett
Executive Correspondence Manager
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002
(360) 902-0385
Fax (360) 902-0485
Email: kenneth.brett@gov.wa.gov

Backup:

Keith Phillips
Executive Policy Advisor
Office Of Financial Management
P.O. Box 43113
Olympia, WA 98504-3113
(360) 902-0630
Fax (360) 586-8380
Email: keith.phillips@ofm.wa.gov

CRITERIA FOR DISASTER DESIGNATION

The criteria and regulations governing the designation of an area for a Presidential or Secretarial disaster designation is contained in 7 D.F.R. Part 1945, sub-part 1945-A.

Some useful definitions are:

Natural Disaster: A disaster in any part of the U.S. in which unusual and adverse weather conditions or other natural phenomena have substantially affected farmers by causing severe physical property losses and/or severe production losses within a county.

- i) Unusual and adverse weather conditions or natural phenomena include:
 - A) A major single natural occurrence or event such as a blizzard, cyclone, earthquake, hurricane or tornado.
 - B) A single storm, or series of storms, accompanied by severe hail, excessive rain, heavy snow, ice and/or high wind.
 - C) An electrical storm.
 - D) A severe weather pattern over a period of time which, due to excessive rainfall, unusual lack of rainfall, or periods of high or low temperatures, causes flooding, substantial water damage, drought or freezing, or which results in the spreading and flourishing of insects or pests, or in plant or animal diseases spreading into epidemic proportions, or prevents the control of fire, however caused.
- ii) Severe physical property losses are those which the Administrator determines prior to a natural disaster determination by the Secretary, to be severe, and to have caused extensive damage to or destruction of, physical farm property including farmland (except sheet erosion), structures on the land such as building, fences, dams, etc., machinery, equipment, and tools; livestock products; poultry; poultry products; growing crops; harvested crops; and supplies which, if not repaired or replaced, would make it impossible for farmers affected by the unusual and adverse weather conditions to continue operating their farms on a sound basis.
- iii) Severe production losses within a county are those in which either:
 - A) The Secretary determines that there has been a reduction countywide of at least 30 percent of the normal year's dollar value of all crops, including hay and pasture, and the crops could not be replanted or replaced with a substitute crop, or

- B) The Secretary determines that there has been a 30 percent loss countywide in the normal year's dollar value of a single enterprise; or
- C) The Secretary, after exercising discretion, determines that, although the conditions set for above have not been met, the unusual and adverse weather conditions or natural phenomena have resulted in such significant production losses, or have produced such extenuating circumstances as to warrant a finding that a natural disaster has occurred. In making this determination, the Secretary may request the Administrator to provide for consideration such factors as the nature and extent of production losses; the number of farmers who have sustained qualifying production losses; the number of farmers that other lenders in the county indicate they will not be in a position to finance; whether damage to particular crops has resulted in undue hardship, whether other Federal an/or State benefit programs, which are being made available due the same disaster, will consequently lessen undue hardship and the demand for EM loans; and any other factors considered relevant.

Process for obtaining a Secretarial Disaster Designation per C.F .R. 1945-A 1945-A, 1945.20(b)

When a potential disaster has substantially affected fanners, causing qualifying severe losses and it is requested by a Governor or Indian Tribal Council that there be a determination that a natural disaster has occurred, the Secretary will acknowledge the request in writing and consider whether a determination should be made. Provided the Secretary receives such request in writing within three months of the last day of the occurrence of such potential disaster.

Upon receipt of the request, the Secretary will ask the Administration of the FSA to determine whether there were significant losses. The State Director will notify the Local Emergency Board and ask for the completion of a Disaster Assessment Report (DAR). The State Emergency Board will review the DAR, and submit it to the Administrator with a recommendation. The Secretary will review the results of the DAR and survey (if requested), and determine whether a disaster occurred.

